

ADVERSARY OPENING INSTRUCTIONS FOR ATTORNEYS AND TRUSTEES

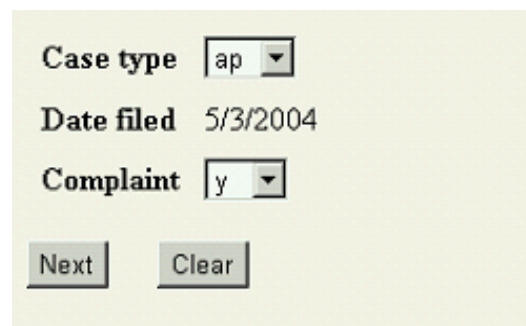
Revised 9/10/2004

Effective September 20, 2004, an attorney or trustee will be able to open an adversary proceeding and then file a complaint or notice of removal and pay any required filing fee online with a credit card. You must first open the adversary proceeding and obtain an adversary number and then file the complaint or notice of removal using that Adversary Number. No adversary cover sheet is required.

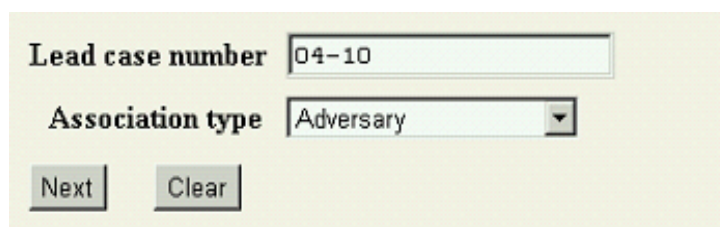
1. To open the adversary, select Open an AP Case from the Adversary Events menu.



2. Select Complaint Y or N, if filing a Notice of Removal and click on Next.

A screenshot of a web form for opening an adversary. It contains three fields: "Case type" with a dropdown menu showing "ap", "Date filed" with the text "5/3/2004", and "Complaint" with a dropdown menu showing "y". Below these fields are two buttons: "Next" and "Clear".

3. Input the bankruptcy (bk) case number in the Lead case number field and leave Association type at Adversary.

A screenshot of a web form showing the "Lead case number" field with the text "04-10" and the "Association type" dropdown menu with "Adversary" selected. Below these fields are two buttons: "Next" and "Clear".

4. If the bk case number exists in more than one office, you will receive a list of cases and you need to select the correct bk case number.

The case number entered is not descriptive enough, please select the exact case from the following lists.

☒ 2-4-bk-10 - MINNIE MOUSE

☐ 4-4-bk-10 - MICKEY MOUSE

☐ 2-4-ap-10 - MARX v. MARX

☐ 0-4-bk-10 - DEBTOR YUMA

5. The next screen will tell you the office and the judge the adversary will be assigned to based on the office and judge of the bk case. Click on Next.

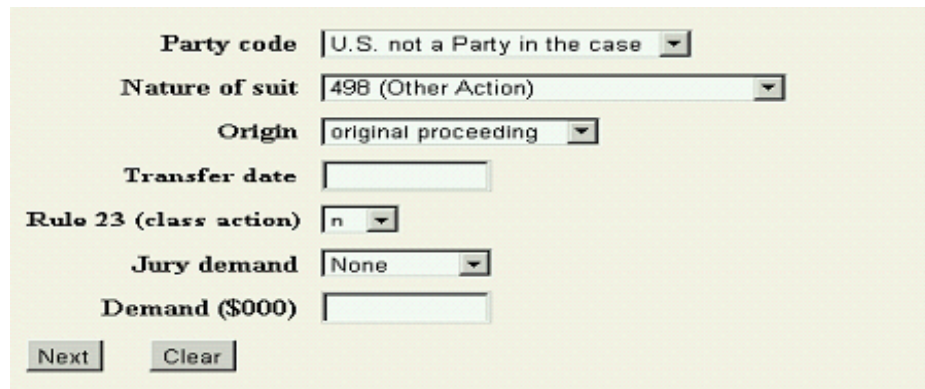
Case is assigned to **Phoenix Division, Judge Curley PCT**
based on the lead Bankruptcy case 2:04-bk-00010-SSCP.

6. You will then be prompted to add the parties, plaintiffs and defendants. Designate the correct party role of plaintiff or defendant. A debtor does not have a debtor role in an adversary, a debtor is either a plaintiff or defendant. The same for a creditor. Your client's address is optional. Do not use the Attorney button to add yourself or any attorneys for the other parties, their attorneys will be added when they file a pleading in the case. You will automatically be added.

Last name	<input type="text" value="ABC BANK"/>	First name	<input type="text"/>
Middle name	<input type="text"/>	Generation	<input type="text"/>
		Title	<input type="text"/>
SSN	<input type="text" value="222-11-1234"/>	Tax ID	<input type="text"/>
Office	<input type="text"/>	Address 1	<input type="text"/>
Address 2	<input type="text"/>	Address 3	<input type="text"/>
City	<input type="text"/>	State	<input type="text"/>
		Zip	<input type="text"/>
County	<input type="text"/>	Country	<input type="text"/>
Phone	<input type="text"/>	Fax	<input type="text"/>
E-mail	<input type="text"/>		
ProSe	<input type="text" value="no"/>	Role	<input type="text" value="Plaintiff (pla:pty)"/>

7. Click on End Party Selection after you have added all plaintiffs and defendants named in the complaint or notice of removal to be filed.

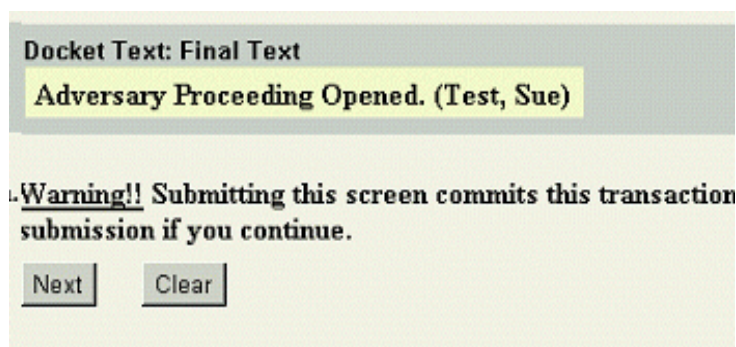
8. You will next be prompted to input the adversary statistical data. Unless the U. S. is a plaintiff or defendant, leave the Party code at the default of U.S. not a Party. For nature of suit if the complaint includes a count objecting to the discharge under Section 727, be sure to select 424. If filing a complaint, select original proceeding for Origin. If filing a removal, select removed from state for Origin. The remaining items should be left at the defaults and do not need to be input.



A screenshot of a web form titled "Adversary Statistical Data". The form contains several fields with dropdown menus and text boxes. The fields are: "Party code" with a dropdown menu showing "U.S. not a Party in the case"; "Nature of suit" with a dropdown menu showing "498 (Other Action)"; "Origin" with a dropdown menu showing "original proceeding"; "Transfer date" with an empty text box; "Rule 23 (class action)" with a dropdown menu showing "n"; "Jury demand" with a dropdown menu showing "None"; and "Demand (\$000)" with an empty text box. At the bottom of the form are two buttons: "Next" and "Clear".

9. Click on Next on the next three screens. Please be sure to read the screen that includes the instructions for filing the proper complaint and payment of any required filing fee.

10. On the final submission screen, please note that the docket entry will be for opening the adversary, no document is filed. Click on Next.



A screenshot of a web form titled "Docket Text: Final Text". The form has a yellow background. At the top, there is a grey header bar with the text "Docket Text: Final Text". Below the header, there is a yellow box with the text "Adversary Proceeding Opened. (Test, Sue)". Below this, there is a warning message: "Warning!! Submitting this screen commits this transaction submission if you continue." At the bottom of the form are two buttons: "Next" and "Clear".

11. You will then receive a Notice of Electronic Filing that will include the Adversary Number assigned.

Notice of Electronic Filing

The following transaction was received from Test, Sue entered on 5/3/2004 at 5:07 PM AZ and Eled on 5/3/2004

Case Name: ABCBANK v. MOUSE

Case Number: 2:04-ap-00018-SSCP

Document Number:

Docket Text:
Adversary Proceeding Opened. (Test, Sue)

The following document(s) are associated with this transaction:

12. You will then need to return to the Adversary Events Menu and file your complaint or notice of removal using that adversary number. To file the complaint, select Complaint & Summons from the Adversary Events Menu and enter the adversary number.

Case Number

2-04-ap-18 99-12345, 199-bk-12345 or 1-99-bk-12345

Next Clear

Then select the appropriate complaint entry from the list. If a Removal action is being filed, select Notices from the Adversary Events Menu and then select the appropriate Notice of Removal entry from the list. If you are filing a complaint or notice of removal for a creditor, Chapter 11 or 12 debtor, a filing fee of \$ 150.00 is incurred and you need to select the appropriate entry that includes a filing fee. You will then be prompted to pay the filing fee on-line by credit card. If filing for a Chapter 7 or 13 debtor, select the appropriate entry that states no fee is due.

If you are filing for a trustee and you normally pay the filing fee and then seek reimbursement of it as an expense, you may also select the appropriate entry that includes a filing fee. You will then be prompted to pay the filing fee on-line by credit card. If you are filing for a trustee and are not paying the filing fee to be reimbursed later as an expense, you may select the appropriate entry that states Fee Deferred. The trustee may then pay the filing fee by check when funds are available. If a trustee is filing a complaint, without an attorney, the trustee should also select the appropriate entry that states Fee Deferred and then pay the filing fee by check immediately if there are now sufficient assets in the estate or when assets are received. If using a Fee Deferred entry, you should also file a Notice that there are insufficient estate assets to pay the filing fee at this time. See Section 20 below for further details.

If the complaint contains a count objecting to the discharge under Section 727, be sure to select one of the two complaint entries that includes Section 727 Objection to Discharge.

[2:04-ap-00018-SSCP ABC BANK v. MOUSE](#)

Amended Complaint
Complaint (Does not include a Section 727 Objection to Discharge) (150.00 fee)
Complaint (Does not include a Section 727 Objection to Discharge) (No Fee Due or Fee Deferred)
Complaint (Includes a Section 727 Objection to Discharge) (150.00 fee)
Complaint (Includes a Section 727 Objection to Discharge) (No Fee Due or Fee Deferred)
Counterclaim
Crossclaim
Third-Party Complaint

14. If filing a Removal, select the Notices category from the Adversary Menu and then select the proper Notice of Removal entry depending on whether a filing fee is incurred or not (the above rules regarding when a filing fee is due apply.)

[2:04-ap-00018-SSCP ABC BANK v. MOUSE](#)

Notice of Deposition
Notice of Removal (150.00 fee)
Notice of Removal (No Fee Due or Fee Deferred)
Produce Documents (Notice to)
Request for Interrogatories (Notice of)
Satisfaction of Judgment
Service of Discovery Requests (Notice of)
Service of Rule 26 Disclosures (Notice of)

15. When filing a complaint, you will be asked to select both your client the plaintiff and then select the defendants against whom the complaint is being filed. All defendants, if more than one, should appear in the box for selection if you added them all when opening the adversary. Select the Plaintiff(s) first.

Please select the filer.

Select the Party:

ABC BANK, [Plaintiff]
MOUSE, MARTY [Defendant]
MOUSE, MINNIE [Defendant]

[Add/Create New Party](#)

And then select the defendants. If more than one defendant, select all of them by clicking and dragging or by using the ctrl click.

Please select the party that this filing is against.

Select the Party:

ABC BANK, [Plaintiff]
MOUSE, MARTY [Defendant]
MOUSE, MINNIE [Defendant]

[Add/Create New Party](#)

Next Clear

15. If you filed a complaint that includes a Section 727 objection to discharge, the ECF system will automatically make a duplicate entry on the main bankruptcy case docket to prevent the debtors from receiving a discharge. If your complaint is only objecting to the discharge of your client's debt under Section 523, do not use an entry that includes a Section 727 objection to discharge, instead use an entry that does not include a Section 727 objection to discharge. An action under Section 523 does not hold up the debtor's discharge.

U.S. Bankruptcy Court
District of Arizona

Notice of Electronic Filing

The following transaction was received from TEMPLE, SHIRLEY entered on 8/24/2004 at 10:14 AM AZ and filed on 8/24/2004

Case Name: ABC BANK v. MOUSE
Case Number: [2:04-ap-00038-SSCP](#)
Document Number: 1

Case Name: MINNIE MOUSE
Case Number: [2:04-bk-00010-SSCP](#)
Document Number: 8

Docket Text:
Complaint against MINNIE MOUSE filed by SHIRLEY TEMPLE of TEMPLE, TEMPLE, et al on behalf of ABC BANK. (TEMPLE, SHIRLEY)

16. After filing a complaint, a summons can be issued (see below instructions). If filing a Notice of Removal, a status hearing will need to be set. To obtain a date for the status hearing, please refer to the judges' procedures link at the court's web site, www.azb.uscourts.gov.

17. Issuance of summons. You may either submit the summons on paper that you prepare for issuance

by the court or you may request that the ECF system prepare and issue the summons. To have the ECF system prepare and issue the summons, you need to make the (no document is needed) entry Request for Issuance of Summons (which is located under the Complaint and Summons option) on the adversary docket. The summons will then be generated and issued by the clerk's office during the next business day (excluding weekends and holidays) of your request. You can then simply pull up the summons from the docket and print as many copies as you need. The court generated summons will be directed to: All Defendants. It will not be directed to individually named defendants. If you require that the summons be directed to named defendants, you will need to prepare those summons on paper and submit the paper summons to the court for issuance.

Complaint/Summons

[2:04-ap-00038-SSCP ABC BANK v. MOUSE](#)

Complaint (Does not include a Section 727 Objection to Discharge) (No Fee Due or Fee Deferred)
Complaint (Includes a Section 727 Objection to Discharge) (150.00 fee)
Complaint (Includes a Section 727 Objection to Discharge) (No Fee Due or Fee Deferred)
Counterclaim
Crossclaim
Request for Issuance of Replacement/Alias Summons
Request for Issuance of Summons
Third-Party Complaint

Next Clear

You will need to select the plaintiff(s) on the next screen.

Please select the filer.

Select the Party:

ABC BANK, [Plaintiff]
MOUSE, MARTY [Defendant]
MOUSE, MINNIC [Defendant]

[Add/Create New Party](#)

Next Clear

and then the defendant(s).

Please select the party that this filing is against.

Select the Party:

ABC BANK, [Plaintiff]
MOUSE, MARTY [Defendant]
MOUSE, MINNIC [Defendant]

[Add/Create New Party](#)

Next Clear

No document is required for this filing, the entry on the docket is sufficient.

If you have enabled the e-mail notification feature in your ECF password account, you will receive an e-mail notice when the summons is created and on the docket. Please be advised that if a required filing fee is not paid, the clerk will not issue the summons until the required fee is paid.

18. Replacement or Alias Summons. You may also request that a replacement/alias summons be generated and issued by the court. To request entry of a replacement/alias summons, make the entry (no document is needed) on the adversary docket called Request to Issue Replacement/Alias Summon, located in the Complaint and Summons category on the Adversary Menu. The summons will be issued within 48 hours of the request being entered. You may then print as many copies as needed for service from the adversary docket. If you prefer, you may prepare and submit a replacement/alias summons on paper for issuance by the clerk's office.

Docket Text: Final Text

Request for Issuance of Summons filed by SHIRLEY TEMPLE of TEMPLE, TEMPLE, et al on behalf of ABC BANK. (TEMPLE, SHIRLEY)

19. Affidavits of Service of Summons and Complaint. For summons generated by the clerk that are located on the ECF docket, it is not necessary to attach a copy of that summons to your affidavit of service.

20. If a trustee or attorney for trustee is filing a complaint or notice of removal and the trustee is unable to pay the adversary filing fee because there are no funds in the estate, the trustee or attorney for trustee should also file a Notice that there are insufficient funds in the estate to pay the filing fee. There is an entry in Adversary Notices called Trustee Notice Regarding Filing Fee that should be used to file this document.